

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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L.I.S.T., INC., On Behalf of Itself and All Others :  
Similarly Situated, :  
: Plaintiff, : Case No. 7:05-CV-02189 (CM)  
vs. :  
: VEECO INSTRUMENTS, INC., EDWARD H. :  
BRAUN and JOHN F. REIN, JR., :  
: Defendants. :  

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ROY P. KERSHAL, Individually and On Behalf :  
of All Others Similarly Situated, :  
: Plaintiff, : Case No. 7:05-CV-02929 (CM)  
vs. :  
: VEECO INSTRUMENTS, INC., EDWARD H. :  
BRAUN and JOHN F. REIN, JR., :  
: Defendants. :  

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**NOTICE OF FILING**

Please take notice that the undersigned has filed on behalf of lead plaintiff movant, the Steelworkers Pension Trust (“Steelworkers”), a Memorandum of Law in Further Support of Its Motion for Appointment As Lead Plaintiff And In Opposition to the Competing Motions for Appointment as Lead Plaintiff (the “Memorandum”), and the Declaration of Peter Seidman in Further Support thereof (the “Declaration”), pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 et seq., in the United States District Court for the Eastern District of New York. A copy of each is attached hereto as Exhibit A.<sup>1</sup> This Notice of Filing incorporates the Memorandum and Declaration by reference as if filed in this District.

DATED: May 2, 2005

Respectfully submitted,

**MILBERG WEISS BERSHAD &  
SCHULMAN LLP**

By: \_\_\_\_\_ /s/ Peter E. Seidman  
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**Proposed Liaison Counsel**

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<sup>1</sup> On April 18, 2005, the Steelworkers Pension Trust filed with this Court a Notice of Filing of its Motion For Consolidation, Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel And Liaison Counsel (“Lead Plaintiff Motion”) in the Eastern District of New York, incorporating, by reference, the Lead Plaintiff Motion as if filed in this District. For the Court’s reference, a copy of the Steelworkers Pension Trust’s Lead Plaintiff Motion is attached hereto as Exhibit B.

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**CERTIFICATE OF SERVICE**

I, Sharon M. Lee, an associate with the law firm Milberg Weiss Bershad & Schulman LLP, hereby certify that I caused a true and correct copy of the following to be served by regular U.S. Mail to all parties listed on the attached service list on this 2<sup>nd</sup> day of May 2005.

**1. NOTICE OF FILING**

/s/ Sharon M. Lee  
Sharon M. Lee

SERVICE LIST

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